

PATENT
2428-0108P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant(s): Frank MICHIELS et al. Conf.: 3231
Appl. No.: 09/970,921 Group: 1638
Filed: October 5, 2001 Examiner: David Fox
For: IMPROVED BARSTAR GENE

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

January 26, 2004

Sir:

Aventis CropScience N.V., (hereinafter "the Assignee")

☐ residing at ,
☒ a corporation of Belgium having a principal place of
business at Jozef Plateaustraat 22, B-9000 Gent
Belgium,

☐ a university having an address of ,
represents that it is the true owner of the entire interest of
U.S. patent Application No. 09/970,921, filed on 10/05/01, for
"IMPROVED BARSTAR GENE," (hereinafter "above-identified
application") by virtue of and as evidenced by an Assignment
recorded at the United States Patent and Trademark Office at Reel
013589, Frame(s) 0037.

The Assignee hereby disclaims the terminal part of any
patent granted on the above-identified application which would
extend beyond the expiration date of the full statutory term as
presently shortened by any terminal disclaimer of U.S. Patent

6,372,960, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to U.S. Patent 6,372,960 shall be the same as the legal title to any patent issuing from the above-identified application, this agreement to run with any patent granted on the above-identified application, and to be binding upon the grantee, its successors or assigns.

The Assignee does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent 6,372,960 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

This Terminal Disclaimer is submitted on behalf of the Assignee by the undersigned, an attorney of record in the above-identified application.

Appl. No. 09/970,921

Please charge any fees or credit any overpayment pursuant to
37 C.F.R. § 1.20 to Deposit Account No. 02-2448.


Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

Date: January 26, 2004

By 

Michael K. Mutter, #29,680


MKM/KLR/csm
2428-0108P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachment(s)

(Rev. 09/30/03)